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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 MMCA GROUP, LTD.,

No. C-06-7067 MMC

12 Plaintiff,

**ORDER DENYING WITHOUT
PREJUDICE BRI'S MOTION TO
DISMISS; GRANTING MMCA'S
REQUEST FOR JURISDICTIONAL
DISCOVERY; VACATING HEARING**

13 v.

14 HEWLETT-PACKARD COMPANY, et al.,

15 Defendants

(Docket No. 181)

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18 Before the Court is defendant Business Risks International, Ltd.'s ("BRI") motion,
19 filed August 2, 2007, to dismiss plaintiff's complaint for lack of personal jurisdiction,
20 pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure. Plaintiff MMCA Group,
21 Ltd. ("MMCA") has filed opposition to the motion, to which BRI has replied. Having
22 considered the papers filed in support of and in opposition to the motion, the Court finds
23 this matter appropriate for decision without oral argument, see Civil L.R. 7-1(b), and hereby
24 VACATES the September 7, 2007 hearing.

25 For the reasons set forth in MMCA's opposition, the Court finds MMCA is entitled to
26 take jurisdictional discovery on the issue of whether BRI is the alter ego or agent of
27 Pinkerton Consulting & Investigations, Inc. See, e.g., Wells Fargo & Co. v. Wells Fargo
28 Express Co., 556 F.2d 406, 430 (9th Cir. 1977) (internal quotation and citation omitted)

1 (holding discovery "should be granted where pertinent facts bearing on the question of
2 jurisdiction are controverted . . . or where a more satisfactory showing of the facts is
3 necessary"); see also *Harris Rutsky & Co. Ins. Servs., Inc. v. Bell & Clements, Ltd.*, 328
4 F.3d 1122, 1129 (9th Cir. 2003) (holding plaintiff entitled to take jurisdictional discovery with
5 respect to alter ego and agency theories where plaintiff submitted evidence that one
6 company was wholly owned by another and both companies shared officers and office
7 space).

8 Accordingly, BRI's motion to dismiss is hereby DENIED without prejudice to BRI's
9 filing a new motion to dismiss for lack of personal jurisdiction, once jurisdictional discovery
10 has been completed. The Court declines to address the parties' arguments as to whether
11 plaintiff must comply with the Hague Convention in propounding discovery to BRI; such
12 issue may be addressed by separate motion to Magistrate Judge Edward M. Chen, the
13 magistrate judge to whom all discovery disputes have been referred.

14 This order terminates Docket No. 181.

15 **IT IS SO ORDERED.**

16 Dated: September 5, 2007



MAXINE M. CHESNEY
United States District Judge

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